

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

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| UNITED STATES OF AMERICA v. (2) ISMAEL ZAMBADA GARCIA a/k/a “Mayo” | § § § § § § | CAUSE NO. EP:12-CR-849(2)-KC |
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ORDER

On this day, the Court considered the Government’s Motion for an Initial Appearance and Tolling of Speedy Trial Provisions (“Motion”), ECF No. 1324. Defendant Ismael Zambada Garcia was indicted by a grand jury in the Western District of Texas on April 11, 2012. Redacted Indictment, ECF No. 54. Defendant was arrested on July 25, 2024, Arrest Warrant Returned Executed, ECF No. 1288, and brought before United States Magistrate Judge Anne T. Berton for an initial appearance the following day, July 26, at which he was ordered detained without bond, *see* July 26, 2024, Minute Entry, ECF No. 1283. Defendant later entered a plea of not guilty and waived his right to a detention hearing and to appear for his arraignment. *See* Waiver Personal Appearance Arraignment, ECF No. 1286; Waiver Detention Hr’g, ECF No. 1287. Defendant next appeared before this Court for a status conference on August 1, 2024, *see* Aug. 1, 2024, Minute Entry, ECF No. 1313, and is currently scheduled for another status conference on September 9, 2024, *see* Aug. 1, 2024, Order, ECF No. 1314.

In the Motion, the Government asks the Court to schedule an initial appearance on separate charges filed against Defendant in the Eastern District of New York, in cause number 09-CR-466(BMC). Mot. 1–3. The Government anticipates that Defendant will subsequently “be ordered removed to the Eastern District of New York to face charges in that District prior to continuing with the Western District [of Texas] charges.” Mot. 3. Therefore, the Government

also requests that the Court exclude from its Speedy Trial Act calculations in this case all time spent prosecuting the case in New York. *Id.*

The Government states that it “has reached out to defense counsel but has yet to hear back as to their position.” *Id.* Under the Local Rules, “[i]f a party opposes a motion, the party must file its response with the clerk and serve a copy on all parties within 11 days of service of the motion.” W.D. Tex. L.R. CR-47(b).

Accordingly, the Motion is **TAKEN UNDER ADVISEMENT.**

IT IS FURTHER ORDERED that Defendant shall file either a response in opposition or a notice of non-opposition to the Motion **by no later than August 26, 2024.**

SO ORDERED.

SIGNED this 15th day of August, 2024.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE